

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
LANDWORKS CREATIONS, LLC)	
)	
Plaintiff,)	
)	
v.)	
)	
)	C.A. No. 4:05-CV-40072-FDS
UNITED STATES FIDELITY &)	
GUARANTY COMPANY)	
)	
Defendant,)	
_____)	

JOINT STATEMENT PER LR 16.1(D)

I. Proposed Joint Discovery Plan and Schedule for the Filing of Motions

1. **Initial Disclosures.** Initial Disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by February 3, 2006.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to amend to add new parties or to amend the pleadings to assert new claims or defenses may be filed after February 17, 2006.
3. **Fact Discovery – Interim Deadlines.**
 - a. All requests for production of documents and interrogatories must be served by March 3, 2006.
 - b. All requests for admission must be served by April 14, 2006.
 - c. All depositions, other than expert depositions, must be completed by June 16, 2005.

4. **Fact Discovery – Final Deadline.** All discovery, other than expert discovery, must be completed by July 21, 2006.
5. **Status Conference.** A status conference will be held on (date to be supplied by Court).
6. **Expert Discovery.**
 - a. Plaintiffs' trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by August 4, 2006.
 - b. Depositions of Plaintiffs' trial experts must be taken by September 1, 2006.
 - c. Defendant's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed, by September 22, 2006.
 - d. Depositions of Defendant's trial experts must be taken by October 27, 2006.
7. **Dispositive Motions.**
 1. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by December 8, 2006.
 2. Oppositions to dispositive motions must be filed within 35 days after service of the motion.

8. **Pretrial Conference.** A pretrial conference will be held on (date to be supplied by the Court) at (time to be supplied by the Court).

II. Certifications

1. **Plaintiffs' Certification.**

The undersigned do hereby certify and affirm that Plaintiff Landworks Creations, LLC and Plaintiffs' counsel have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

/s/ Neal Matthews
For Landworks Creations, LLC

/s/ Robert N. Meltzer
Robert N. Meltzer, Esq

2. **Defendant's Certification.**

The undersigned do hereby certify and affirm that Defendant United States Fidelity and Guaranty Company and Defendant's counsel have conferred:

- (c) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (d) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

/s/ James M. Peters, Jr.
For Defendant United States Fidelity and
Guaranty Company

/s/ Eric C. Hipp
Eric C. Hipp, Esq.

LANDWORKS CREATIONS, LLC
By its attorneys,

**UNITED STATES FIDELITY AND
GUARANTY COMPANY,**
By its attorneys,

/s/ Robert N. Meltzer
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Dated: December 29, 2005

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